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PATENT COOPERATION TREATY

From the:  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

10/506655

PCT

NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY EXAMINATION  
REPORT

(PCT Rule 71.1)

To:

Fisher Adams Kelly  
GPO Box 1413  
BRISBANE QLD 4001

RECEIVED

17 OCT 2003

Date of mailing  
day/month/year

15 OCT 2003

Applicant's or agent's file reference  
10855PC2-ADC

IMPORTANT NOTIFICATION

International Application No.  
PCT/AU03/00274

International Filing Date  
7 March 2003

Priority Date

Applicant

BLAZEVIC, Paul

DATA FLEX

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DATE

INPRIMA

OP-

DATE

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide

Name and mailing address of the IPEA/AU

AUSTRALIAN PATENT OFFICE  
PO BOX 200, WODEN ACT 2606, AUSTRALIA  
E-mail address: pct@ipaaustralia.gov.au  
Facsimile No. (02) 6285 3929

Authorized officer

BARRY STEPHENS

Telephone No. (02) 6283 2106

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 21 OCT 2003

WIPO PCT

10/506655

Applicant's or agent's file reference 10855PC2-ADC	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No.  <b>PCT/AU03/00274</b>	International Filing Date (day/month/year) 7 March 2003	Priority Date (day/month/year) 7 March 2002
International Patent Classification (IPC) or national classification and IPC  Int. Cl. <sup>7</sup> E02D 29/055		
Applicant BLAZEVIC, Paul		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 29 September 2003	Date of completion of the report 8 October 2003
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>BARRY STEPHENS</b> Telephone No. (02) 6283 2106

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU03/00274

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU03/00274

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-14	YES
	Claims NONE	NO
Inventive step (IS)	Claims 1-14	YES
	Claims NONE	NO
Industrial applicability (IA)	Claims 1-14	YES
	Claims NONE	NO

**2. Citations and explanations (Rule 70.7)**

None of the citations, when taken either singly or in any combination, either explicitly discloses or obviously suggests the invention as claimed.

DE 3716750, which is considered to be the closest prior art, discloses a foundation structure installation method in which walls are continuously erected from the bottom upwards near the surface and lowered continuously or in stages into trenches filled with a supporting liquid (water). As lowering takes place, the ground is simultaneously removed from beneath the foundation. This method is thus at variance from that defined in claim 1, which requires a support member to be positioned prior to forming a foundation adjacent to it, and then excavating the ground beneath the foundation to a prescribed depth and dropping the formed foundation to the prescribed depth. This variation is considered to be non-obvious to a person of ordinary skill in the art in the light of the disclosures of the citations, and hence the claimed invention possesses both novelty and an inventive step.